

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.16667 of 2007
SUNAINA DEVI, W/O LATE RAM NANDAN
PRASAD, R/O VILLAGE CHHOTI KESHOPUR,
POST & P.S. JAMALPUR, DISTRICT MUNGER.
.....PETITIONER.

Versus

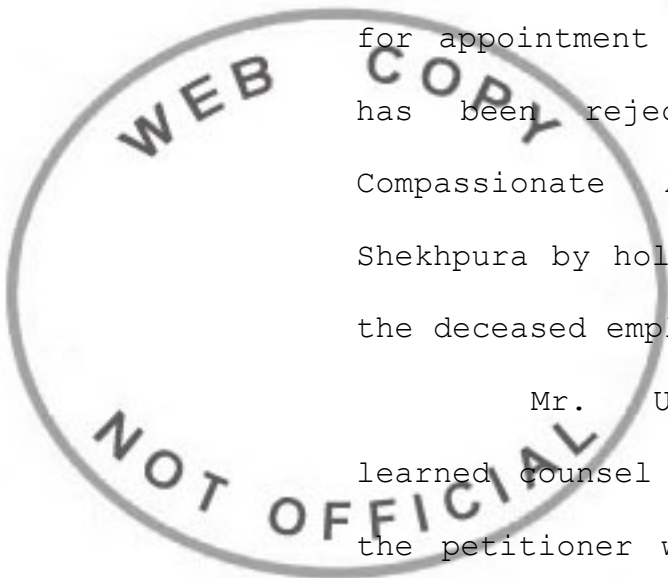
1.THE STATE OF BIHAR.
2.DISTRICT COMPASSIONATE COMMITTEE,
SHEKHPURA, DISTRICT SHEKHPURA THROUGH
ITS CHAIRMAN.
3.THE COLLECTOR, SHEKHPURA, DISTRICT
SHEKHPUR.

.....RESPONDENTS.

02/ 13.04.2011 Heard counsel for the
petitioner and counsel for the State.

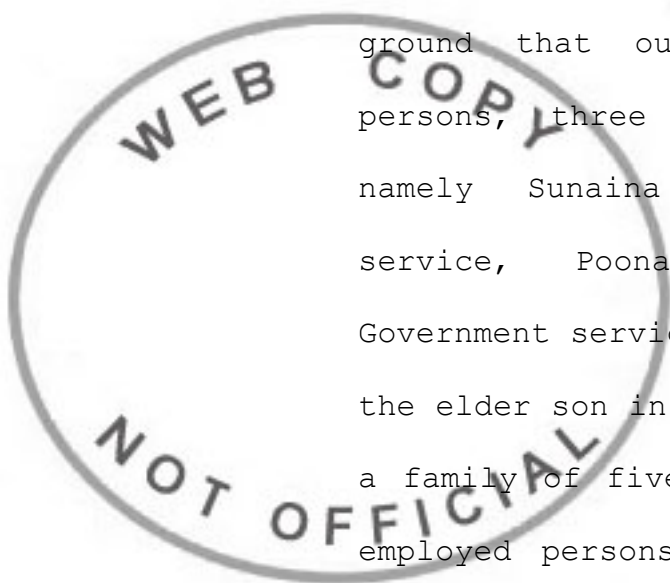
The prayer of the petitioner
for appointment on compassionate ground
has been rejected by the District
Compassionate Appointment Committee,
Shekhpura by holding that the family of
the deceased employee was not in penury.

Mr. Upendra Kumar Sinha,
learned counsel appearing on behalf of
the petitioner would submit that there
is no such rule much less contained in
the policy of Compassionate Appointment,
that if one of the son of the deceased
employee was in Government service that
would by itself disentitle the other son
from being appointed on compassionate



ground.

In the considered opinion of this Court the concept of appointment on compassionate ground is to provide immediate relief to the dependent family members of the deceased employee. It is thus the financial condition of the family which has to be examined for appointment seen of one particular dependent. Here in this case, it is the declaration of the petitioner while seeking appointment on compassionate ground that out of family of five persons, three of them are employed namely Sunaina Devi in Government service, Poonam Devi in Central Government service and Sashi Bhanu Kumar the elder son in Government service. If a family of five persons has got three employed persons in government service and has also received substantial amount by way of death cum retirement Benefit of the deceased employee apart from monthly family pension to the widow of the deceased employee, it can not be said that the condition of such family



is in penury. This aspect of the matter has been settled in the case of **Umesh Kumar Nagpal vs State of Haryana reported in 1994 (4) SCC 138.**

That being so, this application is devoid of any merit and is accordingly dismissed.

Ranjan

(Mihir Kumar Jha,J)

